



31 OCT 2006

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In re Application of
HACKER et al.
U.S. Application No. 10/520,252
PCT No.: PCT/US02/26276
It. Filing Date: 15 August 2002
Priority Date: None
Attorney Docket No.: H9930-4505
For: NANOPOROUS MATERIALS AND
METHODS OF FORMATION THEREOF

DECISION ON PETITION
UNDER 37 CFR 1.47(a)

This decision is issued in response to applicant's "Response to Decision on Petition under 37 CFR 1.47(a)" filed 02 October 2006. In a decision dated 28 July 2006, applicant's petition under 37 CFR 1.47(a) to accept the application without the signature of inventor, Scott Lefferts, was dismissed as moot. However, the declaration (by Scott Lefferts) submitted with the renewed petition under 37 CFR 1.47(a), was insufficient to satisfy the oath or declaration requirement of 35 CFR 371(c)(4) for entry into the national stage in the United States of America.

Applicant states in the present petition that "the declaration had been altered to correct the spelling of Scott Lefferts' last name." Applicant's statement has been construed as meaning that the discrepancy between the name of the second inventor indicated in the international application during the international phase and the name of the second inventor as it appears in the declaration is the result of a typographical error. As indicated in Section 201.03 of the Manual of Patent Examining Procedure, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition under 37 CFR 1.48(a) is not required. Accordingly, counsel's explanation of the difference in the spelling of the second inventor's last name is accepted and noted for the record.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 02 October 2006, with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Scott Lefferts. For the reasons above, the petition under 37 CFR 1.47 is dismissed as moot.

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) is **DISMISSED** as moot and applicant's request to correct the name of the second inventor is **GRANTED**.

The application has an international filing date of 15 August 2002 under 35 U.S.C. 363 and a date of **02 October 2006** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing in accordance with this decision.



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